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Notice of Allowability	Application No.	Applicant(s)	
	10/606,908	LECKRONE ET AL.	
	Examiner	Art Unit	
	Alex B. Toy	3739	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 21 September 2006.
2. ☒ The allowed claim(s) is/are 20-25 and 34-37.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Response to Amendment

This Office Action is in response to applicant's amendment filed on September 21, 2006. The examiner acknowledges that applicant's claim for priority as a divisional of Application No. 09/430096 filed on October 29, 1999 was unintentionally overlooked. Therefore, Jahns is not prior art and all previous prior art rejections are withdrawn. Upon further search, no other prior art was found to anticipate or render obvious the invention as claimed. Therefore, the case is in condition for allowance.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows merely to correct minor informalities that were not fully remedied in applicant's amendment:

Rewrite the first line of the specification as follows to match the Bib Data Sheet:

"This application is a divisional of Application No. 09/430,096, filed October 29, 1999, now U.S. Pat. No. 6,613,062.

Regarding page 14, line 14: Replace "538" with – 558 –.

Regarding page 15, line 6: Replace "612" with – 620 –.

Regarding page 15, line 11: Replace "624" with – 622 –.

Regarding page 15, line 14: Replace "626" with – 624 –.

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Regarding claim 20, line 5: Insert – a – between “at” and “distal”.

Regarding claim 20, line 7: Replace “lead body” with – catheter body –.

Regarding claim 22, line 5: Insert – a – between “at” and “distal”.

Regarding claim 22, line 7: Replace “lead” with – catheter –.

Regarding claim 22, line 9: Replace “lead” with – catheter –.

Regarding claim 24, line 5: Insert – a – between “at” and “distal”.

Regarding claim 24, line 6: Replace “lead” with – catheter –.

Regarding claim 24, line 8: Replace “lead” with – catheter –.

Regarding claim 25, line 5: Insert – a – between “at” and “distal”.

Regarding claim 25, line 6: Replace “lead” with – catheter –.

Regarding claim 25, line 7: Replace “recesses” with – recess –.

Regarding claim 25, line 8: Replace “lead” with – catheter –.

Regarding claim 34, line 5: Insert – a – between “at” and “distal”.

Regarding claim 34, line 6: Replace “lead” with – catheter –.

Regarding claim 34, line 8: Replace “lead” with – catheter –.

Regarding claim 34, line 9: Replace “lead” with – catheter –.

Regarding claim 34, line 9: Delete “the” before “tissue”.

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Regarding claim 35, line 5: Insert – a – between “at” and “distal”.

Regarding claim 35, line 7: Replace “lead” with – catheter –.

Regarding claim 35, line 7: Replace “recess” with – recesses –.

Regarding claim 35, line 8: Replace “lead” with – catheter –.

Regarding claim 35, line 10: Replace “lead” with – catheter –.

Regarding claim 35, line 10: Delete “the” before “tissue”.

Regarding claim 36, line 5: Insert – a – between “at” and “distal”.

Regarding claim 36, line 6: Replace “lead” with – catheter –.

Regarding claim 36, line 8: Replace “lead” with – catheter –.

Regarding claim 36, line 9: Replace “lead” with – catheter –.

Regarding claim 36, line 10: Replace “recesses” with – recess –.

Regarding claim 37, line 5: Insert – a – between “at” and “distal”.

Regarding claim 37, line 6: Replace “lead” with – catheter –.

Regarding claim 37, line 8: Replace “lead” with – catheter –.

Regarding claim 37, line 9: Replace “lead” with – catheter –.

Regarding claim 37, line 9: Delete “the” before “tissue”.

Allowable Subject Matter

Claims 20-25 and 34-37 are allowed.

The following is an examiner’s statement of reasons for allowance:

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The prior art does not disclose or suggest a catheter head with one or more recesses in fluid communication with a catheter lumen and having flanges extending laterally from the recess(es); and an electrode extending along or within the recess(es) as claimed.

Borst (U.S. Pat. No. 5,836,311) discloses a catheter body 30 having a lumen (Fig. 18); a catheter head 22 with recesses 33 (Figs. 2b and 18); an electrode 174 coupled to the catheter head and extending along the recesses (Fig. 18); and applying suction to the lumen within the catheter body to draw tissue into/against the recess(es). Borst and the prior art, however, do not disclose or suggest flanges extending laterally from the recesses.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex B. Toy whose telephone number is (571) 272-1953. The examiner can normally be reached on Monday through Friday, 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AT *AT*
11/17/06

Michael Peffley
MICHAEL PEFFLEY
PRIMARY EXAMINER